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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Report of the Special Political and Decolonization Committee (Fourth Committee)

Rapporteur: Ms. Rana **Salayeva** (Azerbaijan)

I. Introduction

1. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-first session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" and to allocate it to the Special Political and Decolonization Committee (Fourth Committee).

2. The Fourth Committee considered the item at its 22nd to 27th meetings, from 6 to 9 and on 21 and 28 November 2006. The Committee held a general debate on the item at its 22nd to 25th meetings and took action on the item at its 27th meeting (see A/C.4/61/SR.22-27).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the occupied Syrian Golan (A/61/327);

(b) Report of the Secretary-General on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan (A/61/328);

(c) Report of the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem (A/61/329);

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(d) Report of the Secretary-General on the work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/61/330);

(e) Report of the Secretary-General on the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories (A/61/331);

(f) Note by the Secretary-General transmitting the thirty-eighth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/61/500).

4. At the 22nd meeting, on 6 November, the Permanent Representative of Sri Lanka, in his capacity as Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, introduced the report of that Committee (see A/61/500).

5. At the same meeting, the representative of the Permanent Observer Mission of Palestine to the United Nations made a statement (see A/C.4/61/SR.22).

II. Consideration of proposals

6. At its 25th meeting, on 9 November, the Committee had before it draft resolutions A/C.4/61/L.13 to L.18. At that meeting, the Committee decided to defer taking action on the draft resolutions submitted under item 32 until 17 November, which was further deferred until 21 November.

7. At its 26th meeting, on 21 November, the Committee decided to take action on the draft resolutions at its 27th meeting, on 28 November.

A. Draft resolution A/C.4/61/L.13 and Rev.1

8. At the 25th meeting, on 9 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, the Sudan, Tunisia, the United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen and Palestine, introduced a draft resolution entitled "Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" (A/C.4/61/L.13).

9. At the same meeting, the Secretary of the Committee made an oral statement regarding the programme budget implications of the draft resolution (see A/C.4/61/SR.25).

10. At its 27th meeting, on 28 November, the Committee had before it a revised draft resolution (A/C.4/61/L.13/Rev.1), which contained the following changes:

(a) In the third preambular paragraph, the words "and the Human Rights Council" had been inserted at the end of the paragraph;

(b) After the ninth preambular paragraph, a new preambular paragraph had been inserted, reading:

"*Welcoming* the free and democratic Palestinian Legislative Council elections that took place on 25 January 2006 and welcoming also the efforts to form a national unity government working towards a peaceful resolution of the Israeli-Palestinian conflict, based on relevant United Nations resolutions and the agreements concluded between the two sides";

(c) A new operative paragraph 5 had been inserted, reading:

"5. *Welcomes* the free and democratic Palestinian Legislative Council elections that took place on 25 January 2006 and welcomes also the efforts to form a national unity government working towards a peaceful resolution of the Israeli-Palestinian conflict, based on relevant United Nations resolutions and the agreements concluded between the two sides";

and the remaining paragraphs renumbered accordingly.

11. Also at its 27th meeting, the Committee adopted revised draft resolution A/C.4/61/L.13/Rev.1 by a recorded vote of 81 to 8, with 79 abstentions (see para. 25, draft resolution I). The voting was as follows:[1]

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Cambodia, Chile, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, Eritrea, Gabon, Ghana, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Morocco, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Turkey, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Albania, Andorra, Argentina, Armenia, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Cape Verde, Central African Republic, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Moldova, Monaco, Mongolia, Montenegro,

[1] The delegation of Trinidad and Tobago subsequently indicated that it had intended to vote in favour.

Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu.

B. Draft resolution A/C.4/61/L.14

12. At the 25th meeting, on 9 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, the Sudan, Tunisia, the United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen and Palestine, introduced a draft resolution entitled "Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories" (A/C.4/61/L.14).

13. At its 27th meeting, on 28 November, the Committee adopted draft resolution A/C.4/61/L.14 by a recorded vote of 156 to 6, with 8 abstentions (see para. 25, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Angola, Australia, Cameroon, Dominican Republic, Fiji, Haiti, Uganda, Vanuatu.

C. Draft resolution A/C.4/61/L.15 and Rev.1

14. At the 25th meeting, on 9 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, the Sudan, Tunisia, the United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen and Palestine, introduced a draft resolution entitled "Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan" (A/C.4/61/L.15).

15. At its 27th meeting, on 28 November, the Committee had before it a revised draft resolution (A/C.4/61/L.15/Rev.1), which contained the following changes:

(a) In the eighth preambular paragraph, the words "Commission on Human Rights" had been replaced by the words "Human Rights Council";

(b) In the thirteenth preambular paragraph, the words "throughout the Occupied Palestinian Territory" had been deleted after the words "settlement activities";

(c) At the end of the fourteenth preambular paragraph, the words "and the grave decline of socio-economic conditions for the Palestinian people," had been replaced by the words "and a serious decline of socio-economic conditions for the Palestinian people";

(d) In operative paragraph 3, the words "the importance of" had been inserted after the words "West Bank and".

16. At the same meeting, the Committee adopted revised draft resolution A/C.4/61/L.15/Rev.1 by a recorded vote of 156 to 7, with 6 abstentions (see para. 25, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon,

Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Cameroon, Dominican Republic, Fiji, Solomon Islands, Uganda, Vanuatu.

D. Draft resolution A/C.4/61/L.16 and Rev.1

17. At the 25th meeting, on 9 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, the Sudan, Tunisia, the United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen and Palestine, introduced a draft resolution entitled "Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem" (A/C.4/61/L.16).

18. At its 27th meeting, on 28 November, the Committee had before it a revised draft resolution (A/C.4/61/L.16/Rev.1), which contained the following changes:

(a) In the fifth preambular paragraph, the words "Commission on Human Rights" had been replaced by the words "Human Rights Council";

(b) The nineteenth preambular paragraph, which read:

"*Condemning in particular* the large-scale military assaults carried out by Israel, the occupying Power, in recent months in the Gaza Strip, which have caused extensive loss of Palestinian civilian life, including among children, as well as the use of psychological warfare, through the use, amounting to an act of collective punishment, of sonic booms, which spread fear and panic among the civilian population",

had been replaced by:

"*Expressing deep concern* about the recent deterioration in the humanitarian and security situation in the Gaza Strip, including that resulting from the continuation and rise in the bombardment against civilian areas, air raids, sonic booms and firing of rockets, particularly from the military actions

carried out by Israel, the occupying Power, that endanger the Palestinian civilian population, and especially deploring the killing of Palestinian civilians, including women and children, that took place in Beit Hanoun on 8 November 2006";

(c) In the beginning of the twentieth preambular paragraph, the word "*Condemning*" had been replaced by the words "*Expressing deep concern* about";

(d) In the twenty-second preambular paragraph, the word "destroying" had been replaced by the words "severely impairing";

(e) At the beginning of the twenty-third preambular paragraph, the words "*Expressing grave concern*" had been replaced by the words "*Expressing deep concern*";

(f) The twenty-fourth and twenty-fifth preambular paragraphs, which read:

"*Welcoming* the free and democratic Palestinian Legislative Council elections that were held on 25 January 2006,

"*Expressing deep concern* about the arrest and detention of democratically elected Palestinian officials",

had been deleted;

(g) Operative paragraphs 8 to 11, which read:

"8. *Welcomes* the free and democratic Palestinian Legislative Council elections that were held on 25 January 2006;

"9. *Calls upon* Israel, the occupying Power, to release all Palestinians illegally detained and imprisoned, including children and women, and calls for the release of detained Palestinian officials;

"10. *Calls for* the provision of emergency assistance to the Palestinian people to alleviate the dire humanitarian situation and financial crisis resulting from the extensive destruction caused by the Israeli occupying forces, the severe closures and restrictions on movement, the suspension of aid and the withholding of tax revenues due to the Palestinian Authority;

"11. *Emphasizes* the need to preserve the institutions of the Palestinian Authority and Palestinian infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of Palestinian civil, political, economic, social and cultural rights",

had been replaced by:

"8. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socio-economic and humanitarian situation being faced by the Palestinian people;

"9. *Calls upon* Israel, the occupying Power, to release the tax revenues due to the Palestinian Authority, in accordance with the Paris Economic Protocol of 1994, and to ease the severe closures and restrictions on movement;

"10. *Acknowledges* the role the temporary international mechanism plays in assisting directly the Palestinian people, and encourages interested donors to make use of the mechanism;

"11. *Emphasizes* the need to preserve the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of Palestinian civil, political, economic, social and cultural rights";

(h) In operative paragraph 14, the words "by both parties" had been inserted after the words "full implementation".

19. At the same meeting, the representative of Cuba further orally revised the draft resolution as follows:

(a) The nineteenth preambular paragraph, which read:

"*Expressing deep concern* about the recent deterioration in the humanitarian and security situation in the Gaza Strip, including that resulting from the continuation and rise in the bombardment against civilian areas, air raids, sonic booms and firing of rockets, particularly from the military actions carried out by Israel, the occupying Power, that endanger the Palestinian civilian population, and especially deploring the killing of Palestinian civilians, including women and children, that took place in Beit Hanoun on 8 November 2006",

was replaced by:

"*Expressing deep concern* about the recent deterioration in the humanitarian and security situation in the Gaza Strip, including that resulting from the bombardment against civilian areas, air raids and sonic booms, and the firing of rockets into Israel, and in particular from the military actions carried out by Israel, the occupying Power, that endanger the Palestinian civilian population, and especially deploring the killing of Palestinian civilians, including women and children, that took place in Beit Hanoun on 8 November 2006";

(b) After the twenty-fourth preambular paragraph, a new paragraph was inserted, reading:

"*Welcoming* the Palestinian truce initiative and its acceptance by Israel that came into effect on 26 November 2006 and urging both parties to maintain this truce, which could pave the way for genuine negotiations towards a just resolution of the conflict".

20. Also at the 27th meeting, the Committee adopted draft resolution A/C.4/61/L.16/Rev.1, as orally revised, by a recorded vote of 150 to 8, with 11 abstentions (see para. 25, draft resolution IV). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic

of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Burundi, Cameroon, Dominican Republic, El Salvador, Fiji, Haiti, Honduras, Nicaragua, Solomon Islands, Uganda, Vanuatu.

E. Draft resolution A/C.4/61/L.17

21. At the 25th meeting, on 9 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen and Palestine, introduced a draft resolution entitled "The occupied Syrian Golan" (A/C.4/61/L.17).

22. At its 27th meeting, on 28 November, the Committee adopted draft resolution A/C.4/61/L.17 by a recorded vote of 156 to 1, with 11 abstentions (see para. 25, draft resolution V). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala,

Guinea, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel.

Abstaining:

Cameroon, Dominican Republic, Fiji, Haiti, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Uganda, United States of America, Vanuatu.

F. Draft resolution A/C.4/61/L.18

23. At its 25th meeting, on 9 November, the Committee had before it a draft resolution submitted by Algeria, Bahrain, the Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Yemen and Palestine, entitled "Israeli aggression in the Gaza Strip" (A/C.4/61/L.18). Subsequently, Bangladesh and Malaysia joined in sponsoring draft resolution A/C.4/61/L.18, which read:

"*The General Assembly*,

"*Reaffirming* Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 1322 (2000) of 7 October 2000, 1397 (2002) of 12 March 2002, 1402 (2002) of 30 March 2002, 1403 (2002) of 4 April 2002, 1405 (2002) of 19 April 2002, 1435 (2002) of 24 September 2002, 1515 (2003) of 19 November 2003 and 1544 (2004) of 19 May 2004,

"*Reaffirming* the applicable rules and principles of international law, including humanitarian and human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

"*Expressing its grave concern* about the continued deterioration of the situation on the ground in the Palestinian territory occupied by Israel since 1967, particularly as a result of the excessive and indiscriminate use of force

by Israel, the occupying Power, which has caused extensive loss of Palestinian civilian life and injuries, including among children,

"*Condemning* the large-scale military assault being carried out by Israel, the occupying Power, in the Gaza Strip, which has caused the vast destruction of Palestinian property and civilian infrastructure,

"1. *Demands* that Israel, the occupying Power, immediately cease its aggression against the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, and immediately withdraw its forces from within the Gaza Strip to positions prior to 28 June 2006;

"2. *Calls upon* Israel, the occupying Power, to scrupulously abide by its obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

"3. *Emphasizes* the need to preserve the institutions of the Palestinian National Authority and Palestinian infrastructure and properties;

"4. *Expresses grave concern* about the dire humanitarian situation of the Palestinian people, and calls for the provision of emergency assistance to them;

"5. *Calls upon* the international community, including the Quartet, to take immediate steps, including confidence-building measures between the parties, with the objective of resuming peace negotiations and restarting the peace process;

"6. *Requests* the Secretary-General to report to the General Assembly on the implementation of the present resolution within one month."

24. At its 27th meeting, on 28 November, the Committee, on the proposal of the Permanent Observer for Palestine, decided not to take action on draft resolution A/C.4/61/L.18 (see A/C.4/61/SR.27).

III. Recommendations of the Special Political and Decolonization Committee (Fourth Committee)

25. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] as well as international standards of human rights, in particular the Universal Declaration of Human Rights[2] and the International Covenants on Human Rights,[3]

Recalling its relevant resolutions, including resolutions 2443 (XXIII) of 19 December 1968 and 60/104 of 8 December 2005, and the relevant resolutions of the Commission on Human Rights and the Human Rights Council,

Recalling also the relevant resolutions of the Security Council,

Taking into account the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[4] and recalling in this regard General Assembly resolution ES-10/15 of 20 July 2004,

Convinced that occupation itself represents a gross and grave violation of human rights,

Gravely concerned about the continuing detrimental impact of the events that have taken place since 28 September 2000, including the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in thousands of deaths and injuries, the widespread destruction of property and vital infrastructure and the internal displacement of civilians,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[5] and the relevant reports of the Secretary-General,[6]

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[1] United Nations, *Treaty Series*, vol. 75, No. 973.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] See A/ES-10/273 and Corr.1.
[5] See A/61/500.
[6] A/61/327-331.

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[7] and the subsequent implementation agreements between the Palestinian and Israeli sides,

Welcoming the free and democratic Palestinian Legislative Council elections that took place on 25 January 2006 and welcoming also the efforts to form a national unity government working towards a peaceful resolution of the Israeli-Palestinian conflict, based on relevant United Nations resolutions and the agreements concluded between the two sides,

Expressing the hope that the Israeli occupation will be brought to an early and complete end and that therefore the violation of the human rights of the Palestinian people will cease, and recalling in this regard its resolution 58/292 of 6 May 2004,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. *Reiterates its demand* that Israel, the occupying Power, cooperate, in line with its obligations as a State Member of the United Nations, with the Special Committee in implementing its mandate;

3. *Deplores* those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the report of the Special Committee covering the reporting period;[5]

4. *Expresses grave concern* about the critical situation in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000, as a result of unlawful Israeli practices and measures, and especially condemns all Israeli settlement activities and the construction of the wall, as well as the excessive and indiscriminate use of force against the civilian population, including extrajudicial executions;

5. *Welcomes* the free and democratic Palestinian Legislative Council elections that took place on 25 January 2006 and welcomes also the efforts to form a national unity government working towards a peaceful resolution of the Israeli-Palestinian conflict, based on relevant United Nations resolutions and the agreements concluded between the two sides;

6. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

[7] A/48/486-S/26560, annex.

7. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem;

8. *Further requests* the Special Committee to continue to investigate the treatment of the thousands of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

9. *Requests* the Secretary-General:

(a) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 7 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its sixty-second session on the tasks entrusted to him in the present resolution;

10. *Decides* to include in the provisional agenda of its sixty-second session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

Draft resolution II
Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

The General Assembly,

Recalling its relevant resolutions, including its resolution 60/105 of 8 December 2005,

Recalling also its resolution ES-10/15 of 20 July 2004,

Bearing in mind the relevant resolutions of the Security Council,

Recalling the Regulations annexed to the Hague Convention IV of 1907,[1] the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[2] and relevant provisions of customary law, including those codified in Additional Protocol I,[3] to the four Geneva Conventions,[4]

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[5] and the relevant reports of the Secretary-General,[6]

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice,[7] and also recalling General Assembly resolution ES-10/15,

Noting in particular the Court's reply, including that the Fourth Geneva Convention[2] is applicable in the Occupied Palestinian Territory, including East Jerusalem, and that Israel is in breach of several of the provisions of the Convention,

Noting the convening, on 15 July 1999, of a Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure respect thereof in accordance with article 1 common to the four Geneva Conventions, and stressing the importance of the Declaration adopted by the reconvened Conference on 5 December 2001 and the need for the parties to follow up the implementation of the Declaration,

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[1] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).
[2] United Nations, *Treaty Series*, vol. 75, No. 973.
[3] Ibid., vol. 1125, No. 17512.
[4] Ibid., vol. 75, Nos. 970-973.
[5] See A/61/500.
[6] A/61/327-331.
[7] See A/ES-10/273 and Corr.1.

Welcoming and encouraging the initiatives by States parties to the Convention, both individually and collectively, according to article 1 common to the four Geneva Conventions, aimed at ensuring respect for the Convention,

Stressing that Israel, the occupying Power, should comply strictly with its obligations under international law, including international humanitarian law,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[3] is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Pa' stinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions[4] and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004,[7] to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

4. *Reiterates* the need for speedy implementation of the relevant recommendations contained in the resolutions adopted by the General Assembly at its tenth emergency special session, including resolution ES-10/15, with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

5. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution.

Draft resolution III
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, including resolution 60/106 of 8 December 2005, as well as those resolutions adopted at its tenth emergency special session,

Recalling also relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention[1] and relevant provisions of customary law, including those codified in Additional Protocol I[2] to the Geneva Conventions,[3]

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[4] and recalling also General Assembly resolution ES-10/15 of 20 July 2004,

Noting that the International Court of Justice concluded that "the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law",[5]

Taking note of the recent report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied by Israel since 1967,[6]

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[7] and the subsequent implementation agreements between the Palestinian and Israeli sides,

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[1] United Nations, *Treaty Series*, vol. 75, No. 973.
[2] Ibid., vol. 1125, No. 17512.
[3] Ibid., vol. 75, Nos. 970-973.
[4] See A/ES-10/273 and Corr.1.
[5] Ibid., advisory opinion, para. 120.
[6] See A/61/470.
[7] A/48/486-S/26560, annex.

Recalling also the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[8] and noting specifically its call for a freeze on all settlement activity,

Aware that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other illegal actions against the Palestinian civilian population,

Bearing in mind the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

Expressing grave concern about the continuation by Israel, the occupying Power, of settlement activities, including in and around East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, and concerned in particular about the construction and expansion of the settlements in Jabal Abu-Ghneim and Ras Al-Amud in and around Occupied East Jerusalem and Israel's intentions to proceed with the so-called E-1 plan, aimed at connecting its illegal settlements around and further isolating Occupied East Jerusalem,

Expressing grave concern also about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudge future negotiations and make the two-State solution physically impossible to implement and which is causing serious humanitarian hardship and a serious decline of socio-economic conditions for the Palestinian people,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Reiterating its opposition to settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and to any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

Recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

Gravely concerned about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory,

Noting the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map,

Taking note of the relevant reports of the Secretary-General,[9]

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

[8] S/2003/529, annex.

[9] A/61/327-331 and A/61/500.

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Notes* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map;[8]

4. *Calls upon* Israel, the occupying Power, in this regard, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;

5. *Emphasizes* the need for the parties to speedily resolve all remaining issues in the Gaza Strip, including the removal of rubble;

6. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant resolutions of the Security Council;

7. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;[4]

8. *Stresses* the need for full implementation of the relevant Security Council resolutions regarding the Israeli settlements, including Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

9. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, especially against Palestinian civilians and properties, particularly in the light of recent developments;

10. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution.

Draft resolution IV
Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

The General Assembly,

Recalling its relevant resolutions, including resolution 60/107 of 8 December 2005, as well as those adopted at its tenth emergency special session,

Recalling also the relevant resolutions of the Commission on Human Rights and the Human Rights Council,

Bearing in mind the relevant resolutions of the Security Council,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[1] and the report of the Secretary-General,[2]

Taking note of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,[3]

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice,[4] and recalling also General Assembly resolution ES-10/15 of 20 July 2004,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Recalling the International Covenant on Civil and Political Rights,[5] the International Covenant on Economic, Social and Cultural Rights[5] and the Convention on the Rights of the Child,[6] and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law, and recalling in this regard its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[7] to the Occupied

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[1] See A/61/500.
[2] A/61/329.
[3] See E/CN.4/2006/29 and A/61/470.
[4] See A/ES-10/273 and Corr.1.
[5] See resolution 2200 A (XXI), annex.
[6] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[7] Ibid., vol. 75, No. 973.

Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Reaffirming further the obligation of the States parties to the Fourth Geneva Convention[7] under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Reaffirming that all States have the right and the duty to take actions in conformity with international law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm El-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[8]

Stressing also the need for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip,

Noting the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of settlements therein as a step towards the implementation of the road map,

Expressing grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force, the use of collective punishment, the reoccupation and closure of areas, the confiscation of land, the establishment and expansion of settlements, the construction of the wall inside the Occupied Palestinian Territory in departure from the Armistice Line of 1949, the destruction of property and infrastructure, and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned about the military actions that have been carried out since 28 September 2000 and that have led to thousands of deaths among Palestinian civilians, including hundreds of children, and tens of thousands of injuries,

Expressing deep concern about the recent deterioration in the humanitarian and security situation in the Gaza Strip, including that resulting from the bombardment against civilian areas, air raids and sonic booms, and the firing of rockets into Israel, and in particular from the military actions carried out by Israel, the occupying Power, that endanger the Palestinian civilian population, and especially deploring the killing of Palestinian civilians, including women and children, that took place in Beit Hanoun on 8 November 2006,

Expressing deep concern also about the vast destruction caused by the Israeli occupying forces, including of religious, cultural and historical sites, of vital infrastructure and institutions of the Palestinian Authority, and of agricultural land throughout Palestinian cities, towns, villages and refugee camps, and expressing deep concern about the short- and long-term detrimental impact of such destruction on the socio-economic and humanitarian conditions of the Palestinian civilian population,

[8] S/2003/529, annex.

Expressing deep concern further about the Israeli policy of closure and the severe restrictions, including curfews and the permit regime, that continue to be imposed on the movement of persons and goods, including medical and humanitarian personnel and goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and the consequent negative impact on the socio-economic situation of the Palestinian people, which remains that of a dire humanitarian crisis,

Concerned about the continued establishment of Israeli checkpoints in the Occupied Palestinian Territory, including East Jerusalem, and the transformation of several of these checkpoints into structures akin to permanent border crossings inside the Occupied Palestinian Territory, which are severely impairing the territorial contiguity of the Territory and severely undermining efforts to rehabilitate and develop the Palestinian economy,

Expressing deep concern that thousands of Palestinians, including children and women, continue to be held in Israeli prisons or detention centres under harsh conditions that impair their well-being, and expressing concern about the ill treatment and harassment of any of the Palestinian prisoners and all reports of torture,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties implement the agreements reached and, in this regard, recalling the positive contribution of the Temporary International Presence in Hebron,

Welcoming the Palestinian truce initiative and its acceptance by Israel that came into effect on 26 November 2006, and urging both parties to maintain this truce, which could pave the way for genuine negotiations towards a just resolution of the conflict,

Stressing the necessity for the full implementation of all relevant Security Council resolutions,

1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[7] and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949[7] and cease immediately all measures and actions taken in violation and in breach of the Convention, including all of its settlement activities and the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, as well as the extrajudicial executions;

3. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in extensive loss of life and vast numbers of injuries, including among children, massive destruction of homes, properties, agricultural lands and vital infrastructure, and the internal displacement of civilians;

4. *Expresses grave concern* at the use of suicide bombing attacks against Israeli civilians resulting in extensive loss of life and injury;

5. *Notes* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the dismantlement of the settlements therein as a step towards the implementation of the road map;[8]

6. *Calls upon* Israel, the occupying Power, in this regard, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;

7. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it respect human rights law and comply with its legal obligations in this regard;

8. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socio-economic and humanitarian situation being faced by the Palestinian people;

9. *Calls upon* Israel, the occupying Power, to release the tax revenues due to the Palestinian Authority, in accordance with the Paris Economic Protocol of 1994, and to ease the severe closures and restrictions on movement;

10. *Acknowledges* the role the temporary international mechanism plays in assisting directly the Palestinian people, and encourages interested donors to make use of the mechanism;

11. *Emphasizes* the need to preserve the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of Palestinian civil, political, economic, social and cultural rights;

12. *Demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice[4] and as demanded in resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has gravely impacted the human rights and the socio-economic living conditions of the Palestinian people;

13. *Stresses* the need for respect for the unity and territorial integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

14. *Also stresses* the need for the full implementation by both parties of the Sharm El-Sheikh understandings and the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing;

15. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution.

Draft resolution V
The occupied Syrian Golan

The General Assembly,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,[1]

Deeply concerned that the Syrian Golan, occupied since 1967, has been under continued Israeli military occupation,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also its previous relevant resolutions, the most recent of which was resolution 60/108 of 8 December 2005,

Having considered the report of the Secretary-General submitted in pursuance of resolution 60/108,[2]

Recalling its previous relevant resolutions in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under international law, including the Charter of the United Nations,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[3] to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237 (1967) of 14 June 1967,

Welcoming the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and expressing grave concern about the stalling of the peace process on all tracks,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect and demanded that Israel, the occupying Power, rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

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[1] See A/61/500.

[2] A/61/327.

[3] United Nations, *Treaty Series*, vol. 75, No. 973.

3. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[3] and have no legal effect;

4. *Calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and from its repressive measures against the population of the occupied Syrian Golan;

5. *Deplores* the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution.